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THE  
TRUE NOTION  
OF  
PASSIVE OBEDIENCE  
S T A T E D.

And Clear'd from the

MISTAKES  
OF  
Those who are For and Against It.

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STATED, &c.



Hil't the bloody and distracting  
Consequences of the unjustifiable  
Proceedings against *Charles I.* lay  
fresh in Mens memories ; and  
when there was ground of suspi-  
cion that the same Tragedy was  
again design'd in *Charles* the Se-  
cond's time ; 'tis no wonder if the imaginations  
even of the most Understanding were warm'd in  
opposition to such Principles and Practices, and by  
a well design'd Zeal were carried on to enlarge the  
Notion of *Non-Resistance* beyond the limits their  
cooler Reasonings would allow : And when a No-  
tion is once fram'd, and publickly avow'd, then,  
as 'tis our own Brat, join'd with the dishonour of  
being mistaken, gives such a Bias to the mind,

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that we often cannot *see*, much less *confess* our Error; and 'tis to this, that almost all the Learned Disputes owe their continuance. On the other hand, others seeing the certain mischievous effects of the Doctrine of *Non Resistance* laid down without limitation (as is very natural) run into the other extreme, and explode the whole; and no sooner lie under the least pressure, but are ready to flie in the face of Authority for relief. The *first* of these preach no safety to the *Governed*, the *latter* no safety to the *Governour*; for if the Governed may *in no case resist*, then there can be no Law but the Will of the Prince; and if there be *no such Doctrine as Non-Resistance*, then the Prince lies at the Mercy of the People: Both these are unreasonable Extremes, especially considering the Constitution of this Kingdom.

When the *Being of beings* had created Man enabled with a Reasoning Faculty, he deals with him suitable to that Faculty, and governs him accordingly. God restrains his own absolute Sovereignty, and gives reasonable Laws, by which he bounds himself to Reward and Punish. Now, if God, who by Dominion, and as meer Lord, had an absolute Right to all our Obedience, yet thinks fit to enter into another Relation with his reasonable Creatures, and, distinct from meer Lord, takes upon him the Notion of a Governour, and enters into Covenants with his People; then I would know by what Authority Man can pretend to a more Absolute Power and Sovereignty? Why we may safely say, That there is a Covenant between GOD, the Supreme



preme Governour of the World, and Man ; and yet it should be sawcy speaking to say, That there is a Covenant between the King and his People? Why all our Obedience to G O D should lie only in the observance of reasonable Laws, and Man must be obey'd in those that are reasonable and unreasonable ?

Mankind and the Law-Natural had their beings together, and were never to be separated upon any consideration whatsoever: But those Rights, which we were left at liberty to have, or not to have ; or to do, or not to do ; those we had a full Power to resign, either absolutely, or in part ; and according to such resignation, we were bound, and of the Consequences thereof must not complain, because they followed our own Acts and Consents. But though we could divest our selves of the Rights, yet we could never clear our selves from the Laws of Nature ; though we had Power to bind our selves where we were free, yet we could have no Power to free our selves where we were eternally bound: Wherefore the fullest Submission to the most Absolute Monarch must of necessity be a limited Submission ; the Laws of Nature must be observ'd, if we do our Duty, in spite of all Laws by humane Constitutions made to the contrary.

Now Self-preservation is a Natural Law, and for the fulfilling of that Law men have always chosen to be embodied into Civil Societies ; by which means they might meet with one another's mutual assistances, and then the Good of the Whole in-

cluding the Good of each Individual, they were oblig'd by the greatest Law that could be laid upon Mankind, that they should use their utmost united Care to prevent publick Detriments: And this being the greatest Law, all Laws lose their force that stand in competition with it; and therefore the Rule, *Fiat Justitia, & pereat mundus*, is by the Wise despis'd as a piece of senseless Pedantry; for that cannot be Justice, which is against the good of the Whole; nor that Injustice, which preserves it. So that when a King will violently take an Establish'd Church and State illegally by the Throats, to talk, That we may not free our selves by any means from that fatal Hand; because this is Depriving the King of his Rights, and doing Evil that Good may come on it: All these, and such-like Discourses, are only effeminate prattles; for if a Magistrate will act plainly destructive to the Community he governs, we are discharg'd either from an Active or Passive Obedience, and indispensibly obliged by the Law of Nature to Resistance.

Thus when we are ask'd by those who fetch all Kingly Power from the Clouds, How the People can by their Consent invest the Magistrate with a Power of Life and Death, when they themselves have not a Power to dispose of their own Lives? The Answer is easie: They may and ought to do this for the Publick Good and Safety; for that Power in a Magistrate is the Preservative against the wicked Designs and Violences of unruly Tempers; which still squares with the Law of Self-preservation.

tion. Indeed, if we consider a man singly, and altogether independent, I own he has not Power to dispose of his own Life: He himself is the whole Body, and 'tis unnatural for a Body to consent to a Dissolution. But if we consider Men as a Company incorporated, then each individual is but a Member of the Body; and where's the absurdity in affirming, That a Body may and ought to consent to rescind corrupt and putrified Members, in the preservation of the other Parts? Nay, higher yet, the Body-Politick may consent, That some Members that are well and sound, shall hazard themselves in extreme dangers to save the rest, with as much reason as the Body-Natural may expose the Hand to save the Heart; or else there can be no such thing as a justifiable War, which is too foolish for any man to believe.

From all which I may conclude, That the swaggering Rants for Unlimited Obedience are very extravagant, even under the most Arbitrary Monarchies; but not to be endured in a Constitution made up of divers parts, the Laws whereof prescribe bounds to the Prerogative, and to the Peoples Power and Rights; in such places, this Notion makes the Governments with Principles in themselves destructive of themselves: for whoever must be oppos'd in nothing, may do every thing; and if this be in any part of Power, the other parts are but Cyphers. But further, this Notion in such places does not only make Obedience due where there is no Law, which is to make a Debtor without a Creditor, and so absurd; but it also makes  
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Obedience due against the Laws, which is very sinful ; for what difference is there in the sin, between obeying an unlawful Command, and disobeying one that's lawful? Nor will it avail to urge, That *Passive-Obedience* is only required in such Cases ; for who stands by, and sees a Murder done when he may prevent it, is himself guilty. 'Tis true, the Gospel enjoins us to suffer, rather than break human Laws ; but must we therefore suffer, rather than preserve them? and this we do by our *Passive-Obedience*, when the Government is overturning. The sole reason why *Non-Resistance* to Governours is a Duty, is for the preservation of Establish'd Government. The sole reason why Establish'd Governments are to be maintain'd, is for the preservation of Communities ; and for both these reasons *Resistance* may be as necessary in some Cases, as *Non-Resistance* in others ; for else by a misled Prince the Government may be subverted, and the People ruin'd.

But some of the Learned have objected, That this is placing a Power in the People to call their King to an account when they please ; for if the People may resist but in any one Case, this makes them Judges when that Case happens, and under the colour of that pretence we shall find abundance of Rebellions, which will be productive of many more Inconveniencies to the Publick, than our suffering the King to act as he pleases, who for a Male-administration must be accountable hereafter.

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In Answer, I say, The proper meaning of *calling to account*, is a demanding satisfaction for what is past ; but the Power here contended for, is only a defensive Opposition to what is illegally executing: I do not call that man to an account, whom I kill purely in defence of my own life ; no more is that King called to an account, who is oppos'd in the execution of unjust Oppressions: and 'tis highly rational the People should be Judges thereof ; for who can better judge when Oppressions are, than those who feel them? Again, 'tis very strange (speaking now to Protestants) that every private Man must be Judge of his own Religion in general, and that Morality is a part of Religion, and our Duty to Princes a part of Morality ; and yet in this last part we must make no use of our Judgments ! Because, say they, this will bring more inconvenience upon the State ; and besides, the King is accountable hereafter. But is the King accountable hereafter for a Male-administration ? so are the People for an unjust Rebellion. Thus, as to *hereafter*, they are upon the square ; but by no means as to the *present* ; for the Prince's Glory advances with his Power, and his Ambition is gratified in the exercise of his Dominion ; and then his private Conscience, though ever so erroneous, becomes the Standard of the Publick Good ; to which all must comply, and so be miserable in their *future state* ; or else by not complying be miserable *here* : but on the contrary, Rebellion brings such certain Troubles, that it cannot with more reason be undertaken, than a languishing Patient takes his nau-  
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feous Draughts, which is, To prevent a greater Mischief. So that there's no manner of Temptation to an unjust Rebellion, but a very great one to exorbitant Power and Tyranny: wherefore it cannot possibly be so dangerous for the Commonwealth to make the People Judges *when* they are illegally oppress'd, as to make the Prince Arbitrary.

There are yet two sorts of persons more, whose Arguments upon this Subject, because they have seem'd plausible to the World, I shall take into examination.

The first are those who endeavour to persuade, That Kingly Power was always *Jure Divino*; and therefore to oppose Kings, even in their Injustices, is making War with Heaven, from whence they had their Commission.

The second sort are those who look no further for Kingly Power than the holy Gospel; but from thence will prove, That all Kings are Absolute, and in all Cases irresistible.

In Answer to the first: I can conceive but two ways by which men may be said to Govern by Divine Right: *1<sup>st</sup>*. By an immediate appointment of God Almighty; or *2<sup>dly</sup>*. By an uninterrupted Succession to those who had God's Designation to Them and their Successors.

A Learned Author, who goes about to Unchurch all Dissenters to Episcopacy, argues in the manner following: That they have no true Ordination amongst



mongst them; for that Power must be obtain'd either by Ordinary or Extraordinary Means; Ordinary there's none, but by an uninterrupted Succession from the Apostles; such a Succession they cannot pretend to, because the Bishops have solely ingross'd that Power for many hundred years together. But whether that Argument hold good or no, 'tis most certain the Presbyters must prove, that originally they had a Right of Ordination, or shew by what Divine Institution since, the Presbyters now have more Right than their Predecessors had, else there's an end of their Pretensions to that Right. Thus if Kings can't shew an immediate Divine Commission, nor a Succession in Right, if not in Possession, to some King who had Divine Commission to Him and his Successors, then the Pretence of Reigning *Jure Divino* is a fond Pretence. But if, after all, they will have it, that none of this needs be, for that all Kings are the Ordinance of God, and so *Jure Divino*; then this will be an undeniable Consequence, That no King can have a wrongful Title, but every Usurper sits in the Throne with as much Divine Right as the most Lawful Prince.

However, let us admit what has no appearance of proof to be true, That Kings have their Power *Jure Divino*; Must it follow, That all Powers which are *Jure Divino* are unlimited Powers? The Apostles had a General Power *Jure Divino*, to teach all Nations, yet they were restrain'd from teaching false Doctrines; that was beyond their Power, else they mought have taught wrong by a

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*Divine Right* : So though Kings have a Divine Commission to govern, yet there cannot be in God's Commission an Authority to do Injustices ; and therefore to oppose Kings in such Cases, is not to oppose the *Divine Commission*, but *Man's Usurpation*. As for instance ; If a Bailiff in this Kingdom has the King's Authority to take in Custody a person for Debt ; if to take this Man, the Bailiff will break open a House, he may be oppos'd without the least affront to the King's Authority. To conclude this Point ; Whether King's have their Power by Divine Right, or not, it's evidently no good Consequence, that their Power is Unlimited.

As to the second sort of People, who prove Kings Absolute and Irresistible, from the Holy Gospel :

I do acknowledge, That the Commands of Obedience to Magistrates, and the prohibitions to resist them, are very frequent in Holy Writ ; the reasons whereof seem plainly two : First, fully to convince the Christian Votaries, That the lifting themselves Christians was no Immunity, no Discharge from their Duty to Governours ; but that still their legal Commands were to be *actually* obey'd when they did, *passively* when they did not consist with the Laws of Christ ; which proves, That there is truly such a Doctrine which we commonly call *Passive Obedience* ; and those who ridicule and act against that Doctrine ( rightly understood ) may too soon be sensible of the severity of its Sanction ;  
for,



## Passive-Obedience *stated, &c.*

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for, *Those who resist* ( says the Gospel ) *shall receive to themselves Damnation.*

The second Reason why the Precepts of Obedience, &c. were so often repeated, was to satisfy the jealous Governours of the World, That our Saviour did not design by his numerous Train to totter the foundation of any earthly Governments, or to make the least alteration in Civil Rights; but that his Doctrine was compatible with the Powers of the World, which he would leave as he found to Human Management, under the ordinary Providential Care; and therefore, though our Saviour enjoins to *render to Cæsar the things that were Cæsar's*; yet he no where enumerates what those things were, or tells us, That every Governour's due was the same with *Cæsar's*; but leaves that wholly to the Constitution of places, and does in effect tell the busy people that came to him, *Te have already Laws to inform you what is Cæsar's; give it him.*

If then our Saviour never attempted the alterations of Civil Governments or Rights, which no man can shew he did, then our Duty to Magistrates was not become larger after all his Injunctions than 'twas before; for had he either increas'd or lessen'd the Governours Prerogative, or the Peoples Rights, it had made an alteration in Government: If so, it is not conceivable that the Subjects Duty before Christ's coming, was larger than Human Laws had made it; there being then upon the face of the whole Earth no Establish'd Government by God's particular appointment.

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And thus at last we have found out the true measure of our Obedience to Superiours, *viz.* the Laws of places: and so from what has been said, we may easily state the True Notion of Passive Obedience; which is,

That we chuse to undergo the Penalty for Disobedience, rather than resist, when the Laws of the Land command any thing ever so contrary to our Consciences, provided those Commands are not contradictory to the Laws of Nature.

For by the Law of Nature, which was antecedent to all Human Constitutions, Man was eternally bound, and must actually obey, notwithstanding any Human Laws to the contrary; and Human Laws, by which men were bound, being antecedent to the Gospel-Revelations, our Saviour himself was so tender of their Authority, that in those Cases where they were opposite to his own Laws, he enjoins his Disciples a patient submission to the Penalty, that the Magistrates might still preserve their Honour, by executing what the Laws of the place had determin'd Justice. But this was no new Command, for every one was bound before to obey the Law, or suffer the Penalty: so that this Injunction was given without any design to enlarge the Magistrates Power; for though Christ's Disciples were to pay their Duty, yet they were not to be more slavishly bound to Human Authority than they were before, or more than others were bound to of the same Commonwealth. Now therefore, what can be more evident, than that there can be no *Duty* without an *Obli-*

*Obligation?* But there was no *New Obligation* by *Divine Writ*; nor no *Old One*, but *Human Laws*; and therefore *Human Laws*, so far as they do not contradict the *Laws of Nature*, must only be the Measures of our Obedience to *Governours*, and *Christ's Laws* the Measures whether that Obedience must be *Active* or *Passive*.

There are some who have ingenuity enough to confess all this; but for want of studying our *Laws*, they affirm, That by the *Laws of England* the *Kings* thereof are *Absolute* and *Irresistible*.

And after this manner they argue, That the *Kings of England* are *Supreme*, and that the very *Notion of Supreme* is to be *Absolute*, *Unaccountable*, and *Irresistible*; That the *Oaths of Allegiance* and *Supremacy*, and those other *Declarations of Parliament* now made *Laws*, That no *Subject* may raise or levy *War*, *Offensive* or *Defensive*, against *His Majesty*, &c. are a sufficient proof, That the *Kings of England* are *Irresistible* and *Absolute*.

In answer to which, it is already proved, That no *King* can be so *Absolute* as to be *Irresistible* in all *Cases*; and therefore, if the *Laws of the Land* are penn'd in ever so unlimited words, yet their sense must be in some measure restrain'd. But we need not flie to this last refuge; for the *Laws of the Land* themselves will sufficiently expose these *Mistakes*, and inform us, That the *Notion of Supreme*, though it does necessarily comprehend the *greatest*, yet not *all Power*; nor does it necessarily comprehend the *greatest* in all *Cases*, but as *Primus inter pares*; and in this sense that word may properly

properly be used, and in this sense our Law makes use of it ; for he is Supreme that has no Equal. Thus a Chief-Justice may be properly call'd, *The Supreme Judge of the Court*, and yet all the Power of the Court is not in him, nor does his Judgment stand for Law without the Concurrence of the other Judges ; and in this manner only is the King Supreme in the Legislative Power ; for by our Constitution, in that Power His Majesty has but a Negative Voice , and so has the House of Lords, and so the House of Commons ; for without the joint Consents of all Three, it can be no Law. And is the Legislative Power so insignificant a Trifle , that Kings may be Absolute without it ? Nay, some things of a meaner nature the King himself cannot determine ; why else is it so often try'd in *Westminster-Hall*, whether the King by vertue of his Prerogative can do this or that ? The Papists themselves, who we all know are passionate Lovers of Arbitrary Power, could never meet their Mistress in this Kingdom , but under a disguise ; for the *Dispensing Power* must formally be the Judgment of the Major-part of the Twelve Judges, and therefore Remove must follow Remove, till they found Men for their purpose. But the abrogating of those Laws must be effected by the face of a Parliament ; and therefore the Charters, by the face of Justice, are first to be seiz'd, that the King, after Closetting, might know who to chuse, and chuse whom he pleased. But why all this hunting to find out Men of ill Principles, and why all endeavours used to debauch good and honest Minds, if the

the Judgment of the Judges in one Case, and the Consent of a Parliament in the other, were altogether unnecessary? I think no man questions the good-will of the Actors in those days, to have done all by a single Hand, could they have found there an Absolute and Irresistible Power; which makes it plain, That they never understood that the meaning of that Declaration, *That no Arms, Offensive or Defensive was to be taken up against the King*, was to make him Absolute; but that the intent thereof was no more than a Declaration, *That the Sword was by Law plac'd in the King's hand, which upon no pretence whatsoever was to be oppos'd in any legal Executions*: For this Law is bounded by its own Nature to speak no more; for being, as to this Point, only Declaratory, it could not extend to give the King any new Power, but could only declare what the old Law was in a Point that then was disputable, *viz. Whether the Militia of this Kingdom was in the King, or in the People*? And therefore to argue from some general words or expressions, which men will take in their full latitude, contradictory to the whole Body of the Law, and which the Law-makers palpably design'd should bear no more than a legal Construction, is just as the *Romanists* argue for St. Peter's Superiority, because there is one Text seeming only to favour their Conceits, when there are several plain and exprefs Texts for Equality; and indeed, after that manner of expounding, 'tis a Task of no difficulty to produce irreconcilable places out of the Holy Gospel it self. But further, this way of reasoning

soning will appear very inconsiderate, even from their own instance, *viz.* the Oath of Allegiance, which they would have, from the general words therein contained, an Oath of unlimited Obedience; whereas the very Notion of *Allegiance*, the thing we swear, is no more than a legal Obedience, and the words in the Body of that Oath must be bounded to that sense, let them be ever so general in their common acceptation; nor did the Parliament ever design those words to be understood further; for if that Oath must be taken and understood as generally as the literal sense would bear, then *Passive Obedience* will not save our Oaths, for they require *Active*. But if they'll suppose, That by that Oath they do not bind themselves to transgress the Law of God; so I'll suppose, Nor the Law of Man neither: And this is impli'd by the Makers of that Oath; for since the making thereof, 'tis notorious that the Parliament have called some to account who acted against the Laws, though by the special Commands of the King. Wherefore if that Oath must be taken and understood according to the full latitude of the words in the Body thereof, then the Parliament have made a fine Trap for people, first to impose and injoin an Oath to be taken, and then hang those who keep it. If this does not sufficiently expose this way of interpreting, let it be added, That according to their Notion of Loyalty, we swear what may be impossible to be perform'd; for the King's Commands may be contradictory, as we know they often were in the late King's time. In every Act of Parliament the



the King himself is a Party who commands, and till those Acts are repeal'd by the same Authority that made them, they continue the King's Commands; and when he requires our Obedience to his Private, contrary to his Publick Voice, what way is there to keep my Oath of Allegiance? If I chuse to obey Acts of Parliament, wherein are his Majesties Publick Commands, I disobey his Private: If I chuse to obey his Private, I disobey his Publick Injunctions. The Reader before he has ended this Pamphlet, will find many Instances where these Cases have hapned; but 'tis enough for my present Argument, that they may happen, and therefore I desire that Expositor who will not have this Oath bounded by the Laws, to play the Casuist, and relieve us upon such unlucky Accidents.

These and such vain Notions men send into the world, when they meddle with a Science to which they have made no particular application; for let men be ever so great and learned in their own way, yet they may be Novices in another; and we should have a more quiet, and a better instructed world, if we did not endeavour to make others know, what we our selves do not understand.

I would ask those who are of opinion, That the Kings of *England* are absolute by the Laws of the Land; Whether our Learned Lawyers have not given themselves and the Nation too, most unnecessary and ridiculous troubles, by their many and large Treatises under the Title of Prerogative, where they largely tell us as well what the King cannot, as what he can do? If these great Men in

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their own way were not very foolish, I can see no reason to credit the new Opiniators, who very briefly wrap up all in this, That the King is absolute and boundless, and that's Prerogative which He is pleas'd to make so; and here at once they bury all the constant and mighty boasts of *English* Liberties and Properties.

I could tire my self and the Reader too in Quotations against these Novalists, there being so many Judgments in our Books, and in our daily Experience, that bounds the King's Prerogative; but considering what has already been said, I conceive very few Instances may serve in this matter. When the City of *York* endeavour'd to obtain from the King a Power to hold Pleas by *English* Bill, 'twas adjudg'd by the whole Court, *Le Roy ne poet grant, que le Council de Yorke, tenera plee per English Bill de un obligation ou matters tryable al common Ley; car il ne poet alter la Ley, que est l'Inheritance de chescun home.* M. 10. ja. B. That the King cannot grant, That the Council of *York* may hold Piers by *English* Bill of any Obligation or other matters tryable at the Common Law; because the King cannot alter the Law, which is every man's Inheritance. And for the very same Reason, when the King had granted to the University of *Oxford*, to hold Pleas according to the Civil Law, *Coke* cites the Judgment of all the Judges of *England*, That this was a void Grant. There are a great number of Cases to this purpose, but these may suffice to shew, that our Judges are not of opinion, That the King is Absolute. And now let us hear what a King



a King himself says. The Pope, who as busily watches all advantages to advance himself in Civil as well as Ecclesiastical Power, made such use of King John's unhappy Circumstances, as to oblige him to hold the Kingdoms of England and Ireland, by Homage, and a Yearly Tribute of the Apostolick See. And in Ed. 1st's time, the Pope demands Eight Years Arrears of this Yearly Tribute; *A que, says our Books, le Roy respond per son Letter al Pape, que le Parlement suit dissolve devant que ceo püssoit estre determine, & dit, quod sine Pretatoribus & Proceribus communicato Consilio Sanctitati vestre super prædicta non possumus respondere, & jurejurando in Coronatione nostra præstita sumus obstricti, quod jura Regni nostri servabimus illibata, nec aliquod quod Diadema tangat Regni ejusdem absque illorum requisito consilio faciemus.* 3 E. 1. Rot. claus. memb. 9. To which the King answer'd by his Letter to the Pope, *That the Parliament was dissolv'd; before that matter could be determin'd; and says, That We can give no Answer to the Demands of Your Holiness, without Our Lords and Commons; and We are strictly bound by Our Coronation Oath, That We shall Preserve the Laws of Our Kingdom untouch'd; nor shall do any thing that may concern the Crown, without their Advice.* But the craving old Gentleman still keeps up his Pretensions; for in Ed. 3d's time, our Books tell us, *Le special cause del summons del Parlement suit d'aver advice quel respond serroit done al Pape que avoit mande al Roy per proces d'aver l'annual cens de mille Markes per force d'un fait que il disoit*

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Roy John fesoit a luy au perpetuitie a faire a luy homage pur le Realme d' Engleterre & Ireland, & a render le dit annual cens ; a que fuit responde per les Seigneurs el Commons d' un accord, que le Roy John nec ascun auter poet mister luy ne son Relme en tiel subjection sans assent de eux, & come piert per plufers evidences, que si ceo fuit fait, ceo fuit fait sans leur assent, & encontre son serement en son Coronation, & que si le Pape attempter a faire le Roy a faire ceo que il claime, qui ils resisteront et contreefteront eve tout leur puissance 40 Ed. 3. Rot. Par. n. 7.

The special Reason of summoning the Parliament, was to have Advice, what answer to give the Pope, who by Process had demanded of the King a Yearly Tribute of a 1000 Marks, which he said both that and homage was to be paid perpetually of the Kingdoms of *England* and *Ireland*, by force of a Deed made to him by King *John*; to which the Lords and Commons unanimously answer'd, That King *John*, nor no other without their Assent, could put himself or the Kingdom in such Subjection; and it evidently appeared, That if such Deed was made, it was without their Assent, and against his Coronation Oath; and if the Pope attempted to make good his Claim, that they would resist him with all their Power.

Now here's the Judgment of all the Judges of *England*, the Judgment of the King himself, the Judgment of all the Lords and Commons assembled in Parliament, That the Kings of *England* are not Absolute; and when I see a better Authority to the contrary, I shall think it very reasonable to submit. In the mean time, to those who argue,  
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That the Laws have made our Kings irresistible ; and whoever is irresistible, is Absolute ; I shall grant That the Laws have made the King irresistible, whilst he keeps within the bounds of his Legal Authority ; but 'tis senseless, very senseless, to suppose the Law protects any man in the violating of Laws : I shall grant too, whatever Power is without exception irresistible, is also Absolute ; and for this very reason, that unlimited sense cannot be the meaning of the Law which forbids taking up Arms ; because, as has been proved by our Laws, our Kings are not Absolute, but Limited ; If therefore whoever is irresistible, is absolute ; then whoever is not absolute, is in some cases resistible ; and so let them make the best of their Argument ; for instead of proving the Kings of *England* absolute, they have help'd us to a very good medium to prove him resistible.

Now whereever the Power of the Magistrate is restrain'd and bounded by the Laws of the place, there all within those bounds, are the Rights of the Magistrate ; and all without, the Rights of the People ; and so far as the People tread within those bounds, so far they are Invaders of the Magistrate ; and so far as the Magistrate treads without those bounds, so far is he an Invader of the People ; for he has no more right to take away what the Laws have determin'd mine, than I have to take away what the Laws have determin'd his : So that if the Magistrate may rightfully oppose any of his own Peoples unlawful Incroachments upon the Prerogative, I cannot see why for the  
very

very same Reasons, the People may not rightfully oppose the Magistrate's unlawful Inroachments upon their Rights; for when the Magistrate is at the end of his Lawful Power, he's at the end of our Obedience too; and different degrees of Power make different degrees of Obedience; otherwise, first the inferior Magistrate may expect as large an Obedience as the Superiour; and 2<sup>dly</sup>, There may be Transgression where there is no Law, which is not only directly against Holy Writ, but also against common Sense; if so, unless there be Law in a Magistrate's unlawful Command, (which are Terms contradictory) then there cannot be any Transgression in disobedience to them.

If it should be here objected, That this way of reasoning justifies our Rebellion upon the Magistrates least encroachment: I answer, that the Gospel interposes in such Cases, and enjoins us not to deal so with one another, much less with Princes: And common Reason will tell every man, that he ought not to pursue satisfaction for a wrong done, when the pursuit will cost him more than the satisfaction, when obtain'd, will amount to; and if People always keep this Rule, Rebellion can never be a remedy but in extraordinary Grievances.

The matter thus truly stated, will make us easily see how unadvisedly some have produc'd the whole Army of Martyrs, and suffering Christians, to maintain an unlimited Obedience to the Kings of *England*; for men may legally suffer in one Countrey, for what they cannot legally suffer in another, according to the various modulations and  
degrees

degrees of Power in the Governing part: Thus in some places men may suffer, and perform but the duty of Christians, when had they suffer'd so in another place, they had only offer'd the Sacrifice of Fools: It's true, those Examples do unanswerably prove such a Notion among Christians, as we call Passive Obedience, but that's all; for to make their cases pertinent to ours, it ought to appear that those Christians, when they had strength enough to oppose, yet would not, but rather submit their Estates and Lives to the mercy of those who by the Constitution and Laws of the Place, had no legal power to deprive them of either; and if men would boast of no more Examples than they found of this nature, which are only to the purpose, I presume their List would not be very large.

In fine, Nothing can be more plain than the notion of Passive Obedience, however in these latter days many great Men have made a shift to mistake it; for let us but actually obey the Laws of the Land, where we can without transgressing the Laws of Christ, and passively where we cannot, and we have fully paid our duty to human Powers; and thus far we must pay, but beyond, is a breach of duty; for 'tis betraying the Common Good, which is the greatest Moral Evil.

But it has lately been retorted upon us, That this is the same with the Deposing Doctrine, for which the Church of *England* has so freely and unanimously reproach'd the Church of *Rome*.

The Reader has already understood our Doctrine, and by a bare representation of the *Roman*,  
a man

*The true Notion of*

a man that can see any thing, will see the difference.

What the Deposing Doctrine of *Rome* is, the Popes themselves must reasonably be suppos'd the most Authentick Judges, and their Judgment appears in many of their Bulls; out of which number, two may be sufficient for our purpose, especially since they were Presents sent to our own Kingdom by *Paul III.* and *Pius V.* the first deposing *Henry* the VIIIth, the other Queen *Elizabeth*. In the beginning of *Paul's* Bull, he declares his Power from Heaven thus; *Ecce Te constitui super Gentes & Regna, ut evellas, & destruas, ædifices, plantes, præcipuum super omnes Reges universæ Terræ, cunctosque populos obtinentes Principatum.* Behold, I have made thee over Nations, and Kingdoms, that thou mayst pluck up, and destroy, build, plant, especially over all Kings of the whole Earth, and all People who have gotten any Principality. And by virtue of this mighty Power he declares *Henry* the VIIIth a Heretick, and then commands *Henry* the VIIIth's own Subjects, the Emperour, and all other Princes, to take up Arms against him, even those Princes who were in Alliance with him, though the Leagues were confirm'd by Oath, or any other obligatory way whatsoever: for he absolves them from all their Oaths and Obligations; and for their encouragement, after he had damn'd all that sided with the damn'd King, liberal *Paul* freely bestows all their Estates to those, who would put in execution this reasonable Decretal Order. *Pius* the Fifth begins his Bull in the same



same Rhodomantading manner, and then tells us, *Illius itaque auctoritate suffulti, Qui nos in hoc supremo justitiæ Throno, licet tanto oneri impares, voluit collocare, de Apostolicæ potestatis plenitudine declaramus prædictam Eliz. Hæreticam, &c.* Being therefore supported with his Authority, whose pleasure it was to place us (though unable for so great a burthen) in this Supream Throne of Justice, we do out of the fulness of our Apostolick Power declare the aforesaid *Elizabeth*, being a Heretick, &c. to have incurr'd the Sentence of *Anathema*, &c. And then it follows, *Quin etiam ipsam prætenso Regni prædicti jure, necnon omni & quocunque Dominio, Dignitate, Privilegioque privatam.* And moreover, we do declare Her to be deprived of her pretended Title to the Kingdom aforesaid, and of all Dominion, Dignity, and Privilege whatsoever.

Thus far the Bulls; from whence it appears, that the Popes do assume an Apostolick Power, *jure successionis*, to Saint *Peter*, to dethrone those Princes, whose Faith in all respects is not the same with the *Roman* Faith: A Doctrine which our Divines, and all Mankind, are oblig'd to expose and detest: for admit the Pope's vain Pretensions to all Apostolick Power, does it not lie upon him to shew, when the Apostles pretended to, and exercised this Power? or else may we not ask how the derivative Power can be greater than the Power whence it was deriv'd? But they are not only unable to give Instances of this kind, but what's stronger, every one of the frequent Commands, and all the Examples of Christ, and his Apostles, concerning this Point, stand in exact opposition

to this Arrogant Pretension : they look'd upon themselves but as Sojourners here upon Earth, and injoin'd and practis'd obedience to those Governors, who were altogether Enemies to the Christian Faith ; and either the Deposing Doctrine is false, or our Saviour was mistaken; for *Cæsar* ought to have turn'd Christian, or lost the things which were his.

Our notion of Resistance does not so much as border upon this ; for we think our selves bound to obey our King, be his Religion what it will ; all we pretend to, is to defend assaults upon our Government ; and to save our selves, when by Law we may ; so whilst they by their Doctrine set up the greatest Usurper in the World, we by ours only defend our selves from Usurpations, which I think a sufficient manifestation of the difference of our Principles.

To make what has been said, truly serviceable to the present state of this Nation, as well to justify those worthy Patriots, who were active and assisting in the redemption of their Countrey, as to satisfy those who are doubting, and others who are so pert to ask, What did K. *J.* do contrary to the Laws ? I shall give this brief Account, That our whole Constitution was in its expiring Agony, and in no more probability of being recovered, than *Lazarus* his being rais'd from the Grave; nothing but a miracle could do either: His Majesty had found out some Judges, who, tho as blind, were as strong as *Sampson* too; whatever Pillars their groping Hands were guided to, shiver'd to pieces ; by advancing a Dispensing Power, they could in one moment batter down all the strong st Holds against  
Pope-



Popery, which had cost our Parliament many years to raise; nor was it the extent of their power to silence the Laws made, but they broke into the very Constitution of the Law-makers; for by voiding all Charters, they place a power in the King to chuse Representatives for the People; and whilst the Laws, and the House of Commons were what the Judges pleas'd, and the Judges intirely at the pleasure of the King (considering what King we had) our Nation was in a very hopeful condition: But perhaps it may something excuse these Judges, that they found His Majesty would be arbitrary, whether he had their help or no; for he was no sooner in the Chair, than his Proclamation came out for continuing the Customs, which were given by Parliament, only for his Brother's Life: When any Money-Bill passes the Royal Assent, the words are, *Le Roy accept le done de les Commons*; but the King stood in no need of their gift, he could tax his Subjects at pleasure. Thus also by his single *fiat*, a great standing Army appears in times of Peace, which to model compleatly for his purpose, as fast as Papists and false pretending Protestants were found, the true *English*-minded Officers were discarded; and we might soon have expected the Dragooning way of converting Hereticks; for the Ecclesiastical Establishment was already put into violent trepidations; the Bishops wrongfully imprison'd, and top'd by Commissioners; the Clergy silenc'd for speaking with the Laws, against Popery; and Popish Priests publicly allow'd and encourag'd to Preach, and speak against Protestantism, which at that time was, and still is Treason by our Laws; and that all the Clergy might have equal share in suffering, they were injoin'd to read a Declaration contrary to their

their Consciences, upon pain of Suspension ; and that there should no longer be a supply of honest and Learned Protestants, our Universities were forc'd by Mandates to receive Popish Knaves and Blockheads.

Thus were our famous Laws, and our venerable Church set naked amongst unmerciful enemies, after a Coronation-Oath, and reiterated Promises to support and defend them ; which is a thousand proofs, that the Religion of those People vitiates and debauches their Nature and their Morals, and forces them through such execrable Villany, for the Propagation of what their bigotry calls the Catholick Faith, as the most wicked man without such a Religion, would shrink to perpetrate ; and the question is more difficult, What did *K. James* not do ? than, What did he do in opposition to the Laws ? Wherefore to extend Passive Obedience to a Kingdom under such Circumstances, is to preach a Doctrine very sinful ; 'tis to bring the Body-Politick into *Adam's* condition, to make a voluntary forfeiture of their Paradise, and to entail the Curse upon their succeeding Generations.

A man may against the true Notion of Justice be legally executed, and in that case must submit, tho he could oppose ; but to suffer himself to be illegally executed when he can oppose, is to die a self-murderer ; for where's the difference between him who lays violent hands upon himself, and him who will not save his life when he lawfully can ? I am sure the Law of Self-preservation is the same in both cases.

And in those occasions where Nature and common Reason pushes us upon our defence, they do not only oblige us to ward Blows, and parry Thrusts, but to return them too, where our safety requires it ; for I may *kill* a man in defence of my own life ; the duty which  
lies

lies upon us, is to do all things necessary to secure our selves; and what in reason could we do less for our common security, than has been done against the late K. whom we knew by his Principles, and had experienced by his Practices, that neither Laws, Promises, nor Oaths could bind him?

Now wherever we are required to use Violences, at the same time we are freed from Duty and Submission; for to oppose and to submit, are things in their own nature inconsistent together; and for the same reason that Force us'd to destroy us, frees us from obedience; Force us'd to save us, obliges us to obedience; for what can lay a greater obligation upon mankind, than redemption? Which makes the Scruples of those intolerable, who refuse to swear Fidelity to that Great Prince, who sav'd us all, and ventur'd all to save us. It cannot be denied (the late King having forfeited his Government) but that according to the common course of things, the Regency had wholly vested in the Queen; but both the extraordinariness of the Case, and the necessity of Affairs, required otherwise; and the Queen her self shews no dissatisfaction, why should we? In cases of necessity things become lawful, which before were not. Whoever reads History, knows various Examples of this kind; but if there were no example, 'tis reasonable we should make one. To prevent a publick destruction, we ought to dispence with any thing, and not strictly tie our selves to Forms, which were made to save, not to kill; extraordinary Diseases must have extraordinary Applications: and that's the only accountable method, which tends to the recovery of the Patient. We had no prospect of Safety, but under a Martial Protection, unless we should expect, that as  
God

The true Notion of &c.

God by Miracles had delivered us, so by a Series of Miracles he would still defend us : It argues no distrust of Providence to use our best endeavours ; but it's superlative Presumption to think God will do for us, when we'll do nothing for our selves, and when the wonderful Favours he hath already done, meet with unthankful and sullen tempers. The grumbling discontented Protestants would think it hard to be dealt with as declared Enemies to the present Government ; and yet they are so, unless they intend to live in obedience to it ; and if they intend that, why can't they swear their intentions ? For what appears to me, there can be but one of these two things aim'd at by these mens examples, Either, That they would have K. James again ; which they generally deny. Or, That they would be discharg'd from all duty, and be every man King of himself ; for if they would not have K. J. come, nor obey any body in his absence, they must design to be their own Masters ; but which soever of these two they would have, the natural end of that design must be Confusion and Misery.

Besides, the known and standing Law of the Land obliges us to Obedience, now K. William is King in Possession ; Cooke in his 3d Institutes, p. 7. clears that Point, and tells us, Every King *de facto*, tho *non de jure*, is *Seignior le Roy* ; and, That the King regnant in Possession, without a Rightful Title, may by the Law exact our Allegiance : Upon this Principle was Allegiance paid to Will. Rufus, and Henry 1st, even in opposition to Robert their Elder Brother, who was King *de jure*, and whose Merits deserv'd a Throne, as well as either of his Brothers ; nor is it material, That K. J. was Crown'd, but Robert was not ; for the same Authority just before-cited, informs us, That the Coronation is but a Solemnity of Honour ; and to whom the Crown descends, he is King before his Coronation. I could dwell much longer upon this Subject, but to those who have a will to understand, this is sufficient, and to those who have not, 'tis too much.

F I N I S.

